IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.1035 OF 2003

Shri Mahadeo Mukunda Kargal & ors. .. Petitioners

vs

Shri shripati Mukunda Kargal & ors. .. Respondents

Mr A.V.Anturkar, for the petitioners.

CORAM : D.B.BHOSALE,J.

DATE : 22nd November, 2004.

PC:

1. Heard the learned counsel for the petitioners.

2. By this petition, the petitioners have impugned the order dated 4.12.1997 passed by the learned Addl.District Judge, Baramati, by which the appeal filed by the respondents-defendants was allowed and the order dated 19.4.1997 passed by the learned Civil Judge, Jr.Dn, Indapur, below Exhibit-5, was set aside. Application Exhibit 5 was allowed by the order dated 19.4.1997. Against the order impugned in the instant writ petition, the petitioners had preferred the Civil Revision Application in this Court which came to be dismissed as not maintainable. It is not clear and Mr Anturkar, learned counsel for the petitioners, also could not state as to whether pending hearing and final disposal of the civil revision application, the interim

relief was granted or not. It is also not clear from the record that on what date the revision was dismissed as not maintainable. In so far as the instant writ petition is concerned, it was filed on 6.1.2003, however, no interim relief was granted while issuing notice before admission to the respondents. Keeping that in view and considering the overall facts and circumstances of the case, in my opinion, the appropriate course would be to direct the trial Court to dispose of the suit expeditiously. Hence, the following order.

3. The learned Civil Judge, Jr Dn., Indapur will endeavour to decide Regular Civil Suit No.26 of 1997 as expeditiously as possible, and preferably within a period of nine months from the date of receipt of this order, on merits in accordance with law and uninfluenced by the observations made at the interlocutory stage. The writ petition is disposed of .

(D.B.BHOSALE, J.)